

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**SONIA FERRUFINO,  
INDIVIDUALLY AND AS NEXT FRIEND OF  
MINORS, D.F. & S.F.  
*Plaintiffs,***

**vs.**

**CMP AUTO TRANSPORTS, and ALFREDO  
RODRIGUEZ SALVATIERRA,  
*Defendants.***

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**CIVIL ACTION NO. \_\_\_\_\_**

**DEFENDANTS, CMP AUTO TRANSPORTS, and  
ALFREDO RODRIGUEZ SALVATIERRA’S, NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants, **CMP AUTO TRANSPORTS, and ALFREDO RODRIGUEZ SALVATIERRA** (“Defendants”), hereby give notice of the removal of this action, pursuant to 28 U.S.C. § 1446, to the United States District Court for the Western District of Texas - San Antonio Division. As grounds for removal, Removing Defendants state as follows:

**I. INTRODUCTION**

1.1 On or about October 29, 2020, Plaintiff, Sonia Ferrufino, alleges she and her minor children, D.F. and S.F. were passengers in a vehicle being driven by Julio Omar Ferrufino driving north on IH-10 in Boerne, Kendall County, Texas. It is alleged that Defendant Alfredo Rodriguez Salvatierra was driving a 2012 Peterbilt truck, which was owned by and operated on behalf of Defendant CMP Auto Transport, traveling north at the same location as Plaintiffs. Plaintiffs contend that Defendant Salvatierra rear-ended Plaintiffs’ vehicle.

1.2 Plaintiffs filed their suit in the 451st Judicial District Court of Kendall County,

Texas, against Defendants CMP AUTO TRANSPORT and ALFREDO RODRIGUEZ SALVATIERRA. *See Plaintiffs' Original Petition*. Therein, Plaintiffs alleged that Plaintiffs are entitled to recover against Defendants for personal injury damages resulting from the motor vehicle collision. *Id.*

1.3 Defendant CMP AUTO TRANSPORT filed its Original Answer on October 1, 2021. *See Defendant's Original Answer, Ex. 2.*

1.4 Removing Defendants file this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b), after being served with Plaintiff's Original Petition and having received information sufficient to determine that the case was removable.

1.5 Plaintiffs are individuals residing in Nueces County, Texas. *See Ex. 2 at p.1, Plaintiff's Original Petition*. Removing Defendant, CAG TRANSPORT CORP is a corporation organized under the laws of the State of California, with its principal place of business in Reseda, California. Removing Defendant Alfredo Rodriguez Salvatierra is a California resident who resides in Moreno Valle, California. Defendants are not "citizens" of the State of Texas and do not have a principal place of business nor a residence in the State of Texas.

1.6 As set forth below, diversity jurisdiction exists, and Removing Defendants hereby timely remove this matter to Federal Court.

## II. **PROCEDURAL REQUIREMENTS FOR REMOVAL**

2.1 This suit may be properly removed to this Court under 28 U.S.C. § 1441(a) because this suit was pending within the judicial district of the United States District Court for the Western District of Texas, San Antonio Division.

2.2 As required by 28 U.S.C. § 1446(d), Removing Defendants are serving this Notice of Removal on all parties and will promptly file notice of Notice of Removal with the clerk of the 451st Judicial District Court of Kendall County, Texas.

2.3 All pleadings, process, orders and other filings in this state court action are attached to this notice as required by 28 U.S.C. § 1446(a). *See Exhibit 2.*

### III. **BASIS FOR REMOVAL**

3.1 Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Darden v. Ford Consumer Fin. Co.*, 200 F.3d 753, 755 (11th Cir. 2000). A corporation is a citizen of both the state where it was incorporated and the state where it has its principal place of business. 28 U.S.C. §1332(c)(1). Plaintiff is an individual citizen of the State of Texas and resides in Nueces County, Texas. As indicated above, Removing Defendant CAG TRANSPORT CORP is a corporation organized under the laws of California with its principal place of business at in Reseda, California. Removing Defendant Alfredo Rodriguez Salvatierra is a California resident who resides in Moreno Valle, California. Neither Defendant is a "citizen" of the State of Texas; therefore, complete diversity exists.

3.2 In their Original Petition, Plaintiffs state that they “seek monetary relief over \$1,000,000,” which exceeds the federal jurisdictional amount in order to meet the “amount in controversy” requirement for removal to federal court. *See Ex. 2 at p, 5.* When plaintiff’s monetary demand is stated in the complaint, a defendant can rely on that allegation to meet the jurisdictional requirement. *See S.W.S. Erectors, Inc. v. Infax, Inc.*, 72 F.3d 489,492 (5th Cir.1996).

3.3 All pleadings, process, orders and other filings in this state court action are

attached to this notice as required by 28 U.S.C. §1446(a). *See Exhibit 2*. Further, Removing Defendants have filed herewith (a) a list of all counsel of record, including the addresses, telephone numbers and the parties represented, *See Exhibit 3*; (b) completed Civil Cover Sheet Form JS 44, *See Exhibit 4*; and (c) completed Supplemental Civil Cover Sheet, *Ex. 5*.

3.4 Venue is proper in this district under 28 U.S. C. §1441(a) because the state court where the action has been pending is located in this district.

3.5 Removing Defendants will promptly file a Notice of this Notice of Removal with the clerk of the state court where the action has been pending.

#### IV. **JURY DEMAND**

4.1 Removing Defendant CMP AUTO TRANSPORT did demand a jury trial in the state court action.

#### V. **PRAYER**

5.1 For the foregoing reasons, Removing Defendants CMP AUTO TRANSPORT and ALFREDO RODRIGUEZ SALVATIERRA request that the Court remove the action to this Federal Court and place this case on the docket of the United States District Court for the Western District of Texas, San Antonio Division.

Respectfully submitted,

**LANZA LAW FIRM, P.C.**

/s/James W. Goldsmith, Jr.

**NICK LANZA**

Texas State Bar No. 11941225

**JAMES W. GOLDSMITH, JR.**

Texas State Bar No. 24051570

Email: [jgoldsmith@lanzalawfirm.com](mailto:jgoldsmith@lanzalawfirm.com)

300 E. Sonterra, Suite 1140

San Antonio, Texas 78258

Telephone: (210) 564-9100

Facsimile: (210) 899-3590

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this document was sent to the following counsel of record on the 15th day of October 2021, as indicated:

Chelsea Murfee  
Adam Ramji  
RAMJI LAW GROUP  
9186 Katy Freeway  
Houston, Texas 77055

*Via Email:* [service@ramjilaw.com](mailto:service@ramjilaw.com)

/s/James W. Goldsmith, Jr.

**JAMES W. GOLDSMITH, JR.**